

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LENA LASHER,

Plaintiff,

vs.

NEBRASKA STATE BOARD OF
PHARMACY (NE BOP), State of
Nebraska, Lincoln, Nebraska 68508; and
THOMAS L. WILLIAMS, MD, Chief
Medical Officer Director, Division of
Public Health State of Nebraska
Department of Health and Human
Services Lincoln, Nebraska 68508;

Defendants.

4:17CV3125

**MEMORANDUM
AND ORDER**

This matter is before the court on three motions filed by Plaintiff. The court will address each motion in turn.

MOTION FOR COUNSEL

Plaintiff has filed a Motion ([Filing No. 15](#)) asking the court to reconsider its previous denial of the appointment of counsel. As the court stated in its previous order, the court cannot routinely appoint counsel in civil cases. ([Filing No. 5 at CM/ECF p.2.](#)) In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having considered these factors

and the fact that the court has not yet been able to conduct an initial review of Plaintiff's Complaint, the request for the appointment of counsel will be denied without prejudice to reassertion.

MOTION FOR EXTENSION OF TIME

Plaintiff seeks an extension of time to pay the initial partial filing fee. ([Filing No. 16](#); [Filing No. 17](#)) Plaintiff's Motions for an Extension are granted, and Plaintiff shall have until January 25, 2018, to pay the initial partial filing fee.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Appoint Counsel ([Filing No. 15](#)) is denied without prejudice to reassertion.

2. Plaintiff's Motions for an Extension ([Filing No. 16](#); [Filing No. 17](#)) are granted. Plaintiff shall have until January 25, 2018, to pay the initial partial filing fee. The clerk's office is directed to set a pro se case management deadline in this case using the following text: **January 25, 2018**: initial partial filing fee payment due.

Dated this 4th day of December, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge